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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

9 LAURA J. WILLIAMSON,

10 Plaintiff,

11 vs.

12 CHRISTOPHER WHITED,
PATTERSON DENTAL SUPPLY,
INC.,

14 Defendants.

No. 4:19-cv-05176

NOTICE OF REMOVAL OF
CIVIL ACTION UNDER
28 U.S.C. §1441(A)

**(REMOVED FROM
WALLA WALLA COUNTY
SUPERIOR COURT
CAUSE NO. 19-2-00398-36)**

15 **TO:** Clerk of the Court;

16 **AND TO:** Counsel of record.

17 PLEASE TAKE NOTICE that Defendants Christopher Whited and
18 Patterson Dental Supply, Inc. ("Defendants") hereby remove to this Court the state
19 court action described below on the grounds stated herein.
20

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28 U.S.C. §1441(A) – PAGE 1
CAUSE NO. 4:19-CV-05176

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1 **I. INTRODUCTION**

2 On May 22 2019, plaintiff commenced a lawsuit in Walla Walla County
3 Superior Court entitled *Laura J. Williamson v. Christopher Whited, Patterson*
4 *Dental Supply, Inc.* Defendant Patterson Dental Supply, Inc. was served with the
5 Summons and Complaint on June 4, 2019. Declaration of Laura E. Kruse, Ex. 1.

6 The Complaint does not specify a specific damages amount, but medical
7 bills exceed \$215,000. Kruse Decl., ¶ 3 and Ex. 2.

8 This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is
9 being filed “...within thirty days after receipt by the defendant, through service or
10 otherwise, of a copy of other paper from which it may first be ascertained that the
11 case is one which is or has become removable...” 28 U.S.C. § 1446(b). Defendant
12 was served with the Summons and Complaint on June 4, 2019. Kruse Decl., Ex. 1.

13 Defendant Christopher Whited resides in the County of Nez Perce, Idaho.
14 Defendant Patterson Dental Supply, Inc. is a Minnesota corporation with
15 headquarters located in St. Paul, Minnesota. Exs. 3 and 4. Plaintiff is a
16 Washington resident. Ex. 4.

1 **II. BASIS FOR REMOVAL**

2 **A. There is Complete Diversity of Citizenship under 28 U.S.C. § 1332.**

3 This Court has subject matter jurisdiction over this civil action pursuant to
4 28 U.S.C. § 1332(a)(1), and this action is one which can be removed to this Court
5 by defendants Christopher Whited and Patterson Dental Supply, Inc. pursuant to 28
6 U.S.C. § 1441(a) and (b) in that it is a civil action between citizens of different
7 states and the amount in controversy exceeds the sum of \$75,000, exclusive of
8 interest and costs.

9 The plaintiff is a resident of the State of Washington. Kruse Decl., Ex. 4.
10 Defendant Christopher Whited resides in the County of Nez Perce, Idaho.
11 Defendant Patterson Dental Supply, Inc. is a Minnesota corporation with
12 headquarters located in St. Paul, Minnesota. Kruse Decl., Exs. 3 and 4. Removal
13 of the plaintiff's action to this Court is proper because there is complete diversity
14 of citizenship of the parties pursuant to 28 U.S.C. § 1332.

15 **B. The Amount in Controversy Exceeds the Jurisdictional Minimum.**

16 Plaintiff seeks to recover in excess of \$75,000 in damages against
17 defendants. Kruse Decl., ¶ 3 and Ex. 2.

1 C. **This Notice of Removal is Timely Under 28 U.S.C. § 1446(b) and (c).**

2 This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is
3 being filed "...within thirty days after receipt by the defendant, through service or
4 otherwise, of a copy of other paper from which it may first be ascertained that the
5 case is one which is or has become removable..." 28 U.S.C. § 1446(b). Defendant
6 Patterson Dental Supply, Inc. was served with the Summons and Complaint on
7 June 4, 2019. Kruse Decl., Ex. 1.

8 D. **This Notice of Removal Complies with the Applicable Local Rules, and**
Venue Is Proper in the Eastern District of Washington under 28
U.S.C. § 128(b).

9 This Notice of Removal complies with all applicable Federal Rules of Civil
10 Procedure and Local Rules. Defendants Christopher Whited and Patterson Dental
11 Supply, Inc. have attached to the Declaration of Laura E. Kruse, filed in support of
12 this Notice, copies of all process, pleadings, and orders served upon it in the state
13 court action, as required by 28 U.S.C. § 1446. Venue is proper in this District
14 pursuant to 28 U.S.C. §§ 128(b) and 1391, because this District encompasses
15 Walla Walla County, the county listed in the state court complaint served on
16 Defendants.

17 Defendants are serving plaintiff with copies of this Notice of Removal and
18 the supporting Declaration of Laura E. Kruse (with exhibits).

1 **III. CONCLUSION**

2 Plaintiff's civil action, originally filed in Walla Walla County Superior
3 Court for the State of Washington, may be removed pursuant to 28 U.S.C. 1441
4 and 1446 to the United States District Court for the Eastern District of Washington

5 Dated this 2nd day of July, 2019.

6 FORSBERG & UMLAUF, P.S.

7 By: s/Laura E. Kruse

8 Laura E. Kruse, WSBA #32947

9 FORSBERG & UMLAUF, P.S.

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15 *Attorneys for Defendants Christopher Whited
16 and Patterson Dental Supply, Inc.*

1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies under the penalty of perjury under the laws of the
3 State of Washington that I am now and at all times herein mentioned, a citizen of
4 the United States, a resident of the State of Washington, over the age of eighteen
5 years, not a party to or interested in the above-entitled action, and competent to be
6 a witness herein.

7 On the date given below I caused to be served the foregoing ***NOTICE OF***
8 ***REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. §1441(A)*** on the following
9 individuals in the manner indicated:

10 Bradley Johnson
Bradley Johnson Lawyers
11 1333 Stewart Street
Seattle, WA 98109
12 (X) Via Hand Delivery
(X) Via E-Mail

14 **SIGNED** this 2nd day of July, 2019, at Seattle, Washington.

16 *s/ Honor M. McQueen*
Honor M. McQueen